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**Certificate of Facsimile Under 37 CFR 1.8**

I hereby certify that this correspondence is being transmitted via facsimile to 571-273-8300 on 15 NOVEMBER 2005 addressed to: ASSISTANT COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313.



Roland K. Bowler II

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Applicant:	WALCZAK ET AL.	)	
		)	Examiner S. Bhattacharya
Appl. No.	09/769,122	)	
		)	Art Unit 2685
Confirm. No.	5562	)	
		)	Atty. Docket No. CS10560
Filed:	24 January 2001	)	
Title:	"Method And System For Validating A Mobile Station Location Fix"		

**TRANSMITTAL UNDER 37 CFR 41.31**

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

WALCZAK ET AL.  
"Method And System for Validating A  
Mobile Station Location Fix"  
Atty. Docket No. CS10560

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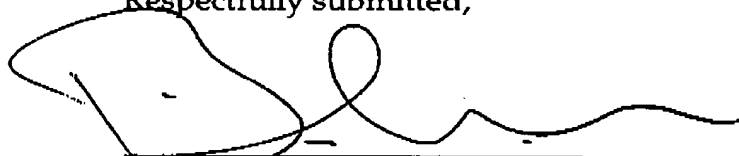
NOV 15 2005

Appl. No. 09/769,122  
Confirm. No. 5562  
Examiner S. Bhattacharya  
Art Unit 2685

The following is enclosed in response to the non-final Office  
Action of 12 August 2005:

- [ X ] Notice of Appeal Under 37 CFR 41.31 (1 page);
- [ X ] Pre-Appeal Brief Review Request (5 pages);
- [ X ] Petition under 37 CFR 1.136(a); and
- [ X ] Fee Calculation Sheet (DUPLICATE).

Respectfully submitted,



ROLAND K. BOWLER II 15 Nov. 2005  
REG. NO. 33,477

MOTOROLA, INC.  
INTELLECTUAL PROPERTY DEPT. (RKB)  
600 NORTH U.S. HIGHWAY 45, AN475  
LIBERTYVILLE, ILLINOIS 60048

TELEPHONE NO. (847) 523-3978  
FACSIMILE NO. (847) 523-2350

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FEE TRANSMITTAL				Complete if Known																																																																																																																																																																																			
Patent fees are subject to annual revision				Application Number	09/796,122																																																																																																																																																																																		
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<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 502117 Deposit Account Name: MOTOROLA INC.				<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td><td>120</td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2160</td><td>2255</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td>500</td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive - 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Appl. No.	09/769,122	)	
		)	Art Unit 2685
Confirm. No.	5562	)	
		)	Atty. Docket No. CS10560
Filed:	24 January 2001	)	
Title:	"Method And System For Validating A Mobile Station Location Fix"		

**PRE-APPEAL BRIEF REVIEW REQUEST**

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

**Request for Reconsideration & Claims Pending**

The instant Request has been filed contemporaneously with a Notice of Appeal filed under 37 CFR 41.31 in response to the final Office Action mailed on 12 August 2005. No amendments have been filed under 37 CFR 1.116. Reconsideration of the claimed invention in view of the discussion below is respectfully requested.

Claims 7, 14, 16, 20, 24, 28-30, 32 and 33 were indicated as being allowable.

Claims 1-33 are pending.

11/17/2005 EAREGAY1 00000063 502117 09796122

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## Patentability of Claims Over Kingdon

### Rejection Summary

Claims 1-3, 9, 12, 13, 15 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,411,811 (Kingdon).

### Allowability of Claim 1

Regarding Claim 1, Kingdon fails to disclose or suggest a

...method for validating a non-network based location fix of a mobile station in a communications network, comprising:  
generating a non-network based location fix of the mobile station;  
evaluating the validity of the non-network based location fix of the mobile station by comparing the non-network based location fix with a prior network based location fix.

The Examiner's reliance on Kingdon is misplaced. At col. 3, lines 1-19 (referenced by the Examiner), Kingdon discloses a cellular communication network have multiple GPS receiver stations that provide GPS assistance data (visible satellites, ephemeris and clock correction information) to mobile terminals in the network. In Kingdon, the GPS assistance information is provided by GPS receiver station nearest the mobile terminal's local position estimate that is determined based on the base transceiver station serving the mobile terminal. King uses the assistance information to determine what satellite to use for computing location. There is no discussion in Kingdon of evaluating the validity of the non-network based location fix by comparing the non-network based location fix with a prior network based location fix of the mobile terminal. Claim 1 is thus patentably distinguished over Kingdon.

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Art Unit 2685

### Allowability of Claim 12

Regarding Claim 12, Kingdon fails to disclose or suggest a

... method for validating a satellite positioning system based location fix of a satellite positioning system enabled cellular mobile station in a cellular communications network, comprising:

generating a satellite positioning system based location fix of the mobile station;

evaluating the validity of the satellite positioning system based location fix by comparing the satellite positioning system based location fix to a prior network based location fix.

Kingdon discloses a cellular communication network have multiple GPS receiver stations that provide GPS assistance data (visible satellites, ephemeris and clock correction information) to mobile terminals in the network. In Kingdon, the GPS assistance information is provided by GPS receiver station nearest the mobile terminal's local position estimate, which is determined based on the base transceiver station serving the mobile terminal. King uses the assistance information to determine what satellite to use for computing location. Kingdon does not disclose or suggest evaluating the validity of the satellite positioning system based location fix by comparing the satellite positioning system based location fix to a prior network based location fix. Claim 12 is thus patentably distinguished over Kingdon.

### Patentability of Claims Over Fan

#### Rejection Summary

Claims 21-23, 25-27 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,906,655 (Fan).

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Art Unit 2685

### Allowability of Claim 21

Regarding Claim 21, Fan fails to disclose or suggest a

... method for validating a location fix of a mobile station, comprising:  
generating a plurality of location fixes of the mobile station;  
evaluating the validity of a recently generated location fix of the  
mobile station by comparing the location fix for which the validity  
determination is required to a previously generated mobile station location  
fix.

At col. 3, lines 2-19, when GPS and inertial navigation unit (INU)  
position determinations in a mobile machine are mismatched, Fan compares a  
gyroscope heading rate with a calculated heading rate to determine whether  
the INU or GPS positions are invalid. Fan does not evaluate the validity of a  
recently generated location fix of the mobile station by comparing the location  
fix for which the validity determination is required to a previously generated  
mobile station location fix. Claim 21 is thus patentably distinguished over Fan.

### Allowability of Claim 27

Regarding Claim 27, Fan fails to disclose or suggest a

... cellular mobile station, comprising:  
a satellite positioning system signal reception interface in the mobile  
station for receiving satellite positioning system signals;  
a cellular communications network interface in the mobile station for  
communicating with a cellular communications network;  
an information processor coupled to the satellite positioning system  
signal reception interface and the cellular communications network interface,  
the information processor for evaluating the validity of a satellite  
positioning system based location fix by comparing it to at least one prior  
mobile station location fix.

WALCZAK ET AL.  
"Method And System for Validating A  
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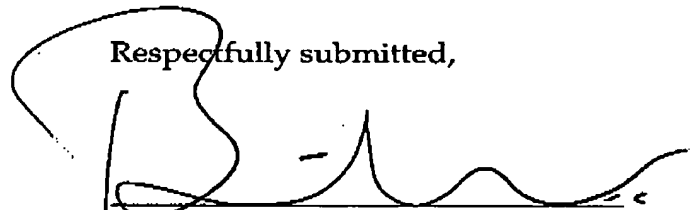
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Art Unit 2685

At col. 3, lines 2-19, when GPS and inertial navigation unit (INU) position determinations in a mobile machine are mismatched, Fan compares a gyroscope heading rate with a calculated heading rate to determine whether the INU or GPS positions are invalid. Fan does not disclose an information processor for evaluating the validity of a satellite positioning system based location fix by comparing it to at least one prior mobile station location fix. Claim 27 is thus patentably distinguished over Fan.

### Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,



ROLAND K. BOWLER II 15 Nov. 2005  
REG. NO. 33,477

MOTOROLA, INC.  
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